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SUPREME COURT, U. S.

Supreme Court of the United States

October Term, 1966

No. 1386

ADAM CLAYTON POWELL, JR., et al.,
Plaintiffs-Petitioners,

against

JOHN W. McCORMACK, et al.,
Defendants-Respondents.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

MOTION OF THE CONGRESS OF RACIAL EQUALITY (CORE) FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

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Motion of the Congress of Racial Equality (CORE) for Leave to File Brief *Amicus Curiae*

The Congress of Racial Equality (CORE) respectfully moves for leave to file a brief *amicus curiae* in support of the petitioners herein. Petitioners have orally consented to the filing of an *amicus curiae* brief by this organization but, in view of the emergency nature of this proceeding, no application therefor has been made to respondents.

CORE's interest is generated by its well-known concern with the problems of Negroes in general and those in the ghetto areas of the Nation in particular. Both as a national civil rights organization, and one whose headquarters is located in the 18th Congressional District, we are deeply interested in the problems of petitioner Powell's 400,000 predominantly black constituents.

Motion of the Congress of Racial Equality (CORE) for Leave to File Brief Amicus Curiae

We are utterly convinced that further delay in assuring representation to the 18th Congressional District will compound the irreparable harm already visited upon the residents of this sprawling ghetto which has a peculiar need for a strong and bold voice in the Congress. It is for that cardinal reason that we respectfully urge this Court to grant this motion and, of infinitely more importance, to resolve speedily the fundamental constitutional issues posed by petitioners.

Respectfully submitted,

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BRIEF OF THE CONGRESS OF RACIAL EQUALITY (CORE), *AMICUS CURIAE*

The issue before this Court has come to symbolize for the black man in America whether he is in fact a first-class or a second-class citizen. For the issue is not one simply between the voters of the 18th Congressional District and the Congress of the United States. It is now abundantly clear to every Negro in America that no white man would have been treated in this fashion, that no white constituency would have been disfranchised in this manner, that no punishment this severe would have been imposed upon any white representative, and that no white man would have been subjected to a quasi-judicial proceeding of this sort with the absence of traditional safeguards and the total denial of due process to which Petitioner Powell was subjected.

The racism of the action was clear: it manifested itself in the block vote from the old Slave states, in the deviation from congressional precedent on exclusion and expulsion rulings and procedures, in the marked contrast at every point between the Dodd proceeding and the Powell hearings, in the congressional response and lack of response to the results of the second election, in the insistent demand, both explicit and implicit, that Adam Clayton Powell be more humble and subservient and less "uppity" than his white colleagues.* As Chairman Cellar of the House Judiciary Committee has just candidly admitted, "I believe there was an element of racism in the vote in the House. . . ."**

Every day that Member-elect Powell is denied a vote and a voice in Congress, not just the people of Harlem but all of the black people of this country are denied a voice and a vote—a voice that introduced year after year the Powell anti-segregation amendments, and a vote that shepherded some fifty pieces of major social welfare legislation through the Congress during his illustrious chairmanship of the House Education and Labor Committee.

The disfranchisement of the black man through House Res. 278 is real—real for the 18th Congressional District and real for the Negro. But it is also symbolic—symbolic of what the past has achieved and what the future may reasonably offer.

We are on the brink of a dangerous, explosive and incendiary summer—a summer whose volatility has been officially recognized by a Presidential request for an emergency appropriation of 75 million dollars for summer programs. The recent past—a past written in blood, in riots, in destruction, in murders, in brutal beatings—does

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* *E.g.* see remarks of Mr. Holland of Pennsylvania in 90th Congress, Congressional Record, H. 1950, March 1, 1967.

** Transcript, p. 2, *Searchlight*, WNBD-TV, May 14, 1967.

not augur well for the future. Adam Clayton Powell's disfranchisement can only add fuel to that smouldering fire—and increase the bitterness, the despair, the hopelessness, the cynicism that has for much too long crippled and destroyed the Negro in America.

CONCLUSION

The application of petitioners for a writ of certiorari pursuant to Rule 20 of this Court should be granted.

Respectfully submitted,

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